
Family Matters



Quarterly News & Information About Kentucky's Family Courts

August 2001

THIS ISSUE

**Political Issues
Committee
Announced**

Site Updates

**Rural Family
Courts Conference**

**From the Research
Desk**

**Jefferson Adopts
Policy on Status
Offenders**

Legal Separation

**Family Violence
Victim and Family
Court**

**Guidelines for
Attorneys
Representing
Children in
Dependency Cases**

**Message from
Cheryl King**

**Jefferson Status
Quo Order**

"Family Courts for Kentucky" Political Issues Committee Announced



On June 20, 2001, at a press conference at the Capitol, Chief Justice Joseph E. Lambert announced the formation of a political issues committee to support the passage of the Family Court Constitutional amendment that will appear on the general election ballot in November 2002. In making the announcement, Chief Justice Lambert was joined by First Lady Judi Patton, Senator Robert Stivers, Representative Gross Lindsay, and Hon. Stephen B. Catron.

Those joining Chief Justice Lambert each took the opportunity to encourage Kentuckians to support family court and the constitutional amendment. First Lady Judi Patton provides an instrumental voice on behalf of Kentucky's Family Courts. Her dedication to Kentucky families and children is evident in her enthusiastic advocacy. Senator Robert Stivers, Chair of the Senate Judiciary committee and sponsor of SB 58, continues to promote the constitutional amendment. Representative Gross Lindsay, Chair of the House Judiciary Committee and member of the Elections, Constitutional Amendments and Intergovernmental affairs committee, took the opportunity to encourage Kentucky voters to "Vote Yes!" for the constitutional amendment during the 2002 election. Hon. Stephen B. Catron, President-Elect of the Kentucky Bar Association, and partner with Wyatt, Tarrant & Combs, serves as treasurer of the new committee and shared his enthusiasm for the family court concept and the potential expansion of family courts across Kentucky.

The committee, *Family Courts for Kentucky*, filed its registration with the Kentucky Registry of Election Finance on June 20th. *Family Courts for Kentucky* will serve as the primary force behind the ballot initiative, and will work to educate Kentucky's citizens about the importance of family courts and the ways in which family courts are providing for the needs of Kentucky families.

Family courts currently exist in 11 locations around the state. With the passage of the constitutional amendment, it is hoped that expansion of family courts can continue until all Kentuckians are served with a family court.



Hon. Stephen B. Catron

Kentucky's family matters is a forum for the exchange of ideas and information relevant to family courts. The viewpoints expressed in the articles submitted do not necessarily represent the viewpoint of the Administrative Office of the Courts. The Dept. of Family Court does not guarantee the accuracy of the information contained in submitted articles and is not responsible for any errors, omissions, or results obtained from use of the information.

FAMILY COURT SITE UPDATES

BOONE/GALLATIN . . .

*Melissa Alsip
Court Administrator*

The Boone/Gallatin Family Court is pleased to welcome Jan Shaw as our new Staff Attorney. She fills the vacancy created by Marcus Gale's departure. Ms. Shaw grew up in Alexandria, Kentucky and graduated from Campbell County High School. She received her undergraduate degree in journalism from the University of Kentucky. Jan is a 2000 graduate from Salmon P. Chase College of Law. Prior to attending law school, Jan worked in public relations for Northern Kentucky University and marketing for Bostom and Associates, a wireless communications company. While attending law school, she worked as a law clerk for Judge Gregory M. Bartlett in Kenton County.

CHRISTIAN . . .

*Jim Bailey
Court Administrator*

The Christian County Family Court staff attended the Rural Family Courts Conference held in Louisville in May and came away with a greater appreciation for our Family Court system and the efforts of other jurisdictions and our international counterparts in moving forward with the implementation of Family Court ideals.

Judge Hall's calendar continues to be very active. Besides the time spent presiding over Family Court, she is very active in our local community. So far this year she has been a presiding judge for mock trial competitions in Hopkinsville and Frankfort, active on the Board of UK's Institute on Women and Substance Abuse and a speaker at numerous local gatherings.

The entire staff is now gearing up for our second annual county - wide school art contest. The comments we have received about the artwork on display in Family Court have been inspiring and encouraging. The success of last year's contest has made us eager to get underway.

JEFFERSON . . .

*Jim Birmingham
Court Administrator*

Dependency Drug Court Planning Committee: The Jefferson Family Court is exploring the feasibility of developing a Dependency Drug Court. A planning committee and two work groups addressing social service and legal issues have been convened. A goal of the Dependency Drug court will be the treatment of the substance abusing parent(s) to facilitate the possible reunification of the family consistent with the Adoption and Safe Families Act (ASFA).

Inside Family Court Educational Videos: Inside Family Court is a series of public educational videos regarding issues related to family law in Jefferson Family Court. The Jefferson Family Court Judges and staff, in conjunction with William Tingley co-chair of the Jefferson Family Court Advisory Committee, produced the videos. Video topics have included an overview of Jefferson Family Court and specific issues regarding domestic violence, child support, adoptions and mediation.

The videos are shown on Intermedia Cable's Public Access station and are made available to agencies and individuals. The videos promote a positive image of the legal profession, provide access to legal information, and improve public confidence in the Family Court.

Parent's Attorney Initiative: Specialized attorneys have been selected to represent parents on the dependency, abuse, and neglect dockets. Four attorneys have been assigned to each of the nine divisions of Family Court. This initiative has been implemented to expedite case proceedings, ensure improved parent representation and more efficiently utilize the time of the parents' attorneys.

***Each day of our lives we make
deposits in the memory banks of
our children.***

Charles R. Swindoll

LINCOLN/ROCKCASTLE/ PULASKI . . .

*Lisa Rogers
Court Administrator*

We would like to thank the dependency, neglect and abuse council members for their efforts in the recent Teddy Bear Drive. Many bears were donated during Prevention of Child Abuse month and given to the Cabinet for Families and Children to be distributed to local foster care children.

Some of the upcoming events that the 28th Judicial Circuit Family Court will be participating in are, "America's Promise Kids First" held in June, and the Back to School Extravaganza" held in July.

Additionally, we would like to introduce our new Case Specialist, Shan Swanner. Shan has been working for Judge William T. Cain for the past two years and made the move to Family Court on June 1st. She resides in Pulaski County with her husband.

WELCOME OUR NEWEST FAMILY COURT



On June 19, 2001, Chief Justice Lambert announced the creation of Family Court in the 12th Judicial Circuit which consists of Oldham, Henry and Trimble counties. Judge Karen A. Conrad, who was recently appointed as Circuit Judge by Governor Patton, was sworn in by Chief Justice Lambert. Judge Conrad will serve in Family Court along with Judge Paul W. Rosenblum.

The Department of Family Courts looks forward to working with Judges Conrad and Rosenblum and their staff in providing for the needs of families in Oldham, Henry and Trimble counties.

RURAL FAMILY COURTS CONFERENCE

*Robin Fisher
Family Court Specialist*

The Administrative Office of the Courts, Department of Family Courts, and State Justice Institute sponsored a National Conference for Rural Family Courts May 17 - 19, 2001 in Louisville Kentucky. The event was a working-conference where participants were asked to review and edit portions of a new rural family court handbook, now in its final editing stages. The handbook is being designed as a "how to" guide for communities that wish to begin a family court project and discusses the unique challenges of implementation in a rural area.

Participants from Kentucky's Family Courts proved to be a great asset in the working sessions of the conference, their insights and experience being an invaluable resource. By incorporating their advice and suggestions, the handbook becomes a stronger implementation tool for new courts both in the Commonwealth and across the nation.

In addition to participants from Kentucky, we were honored to have conference guests from West Virginia, Florida, North Carolina, Alabama, Indiana, Washington D.C., and even as far as South Africa!



Conference participants were divided into work-groups to review and edit the rural family court handbook

All participants brought unique perspectives and experience to the conference. Many are in the process of starting rural family courts in their area, some are involved in family court legislation in their home state, some serve in an advisory capacity for the handbook and underlying research, and some serve in leadership roles in existing rural family courts.

The research from which the handbook was written was generated from a study conducted by the Department of Family Courts through a grant with the State Justice Institute, in partnership with the University of Louisville, Kent School of Social Work. The extensive research findings, gathered and extrapolated by Ken Mattingly, Dr. Joe Brown, and Dr. Riaan van Zyl is included in the text of the handbook.

Topics in the handbook include: the Mission and Purpose of Family Courts; Setting Up a Family Court; Stakeholders, Community Involvement, Public Relations and Programs; Procedures and Administration; Roles and Responsibilities - Personnel Management; and Ensuring Accountability and Maintaining High Levels of Support. The handbook will be available for distribution nationwide and although it is designed for implementation of new rural family courts, it can effectively be utilized by existing family courts as a tool for revisiting and evaluating current policy and programs.

The rural family courts handbook will roll off the presses in late summer. Watch *Family Matters* for future announcements and ordering information.



Some of the conference participants included (from L- R): Judge Larry Thompson, Pike Family Court, Eban O’Gorman, South Africa, Dr. Riaan van Zyl, U of L; Carla Kreitman, Manager, Dept. of Family Courts; Judge Julie Paxton, Floyd/ Knott/Magoffin Family Court; Mark Hardin, Advisory Committee; Judge Judy Hall, Christian Family Court; Mary O’Gorman, South Africa; Dr. Joe Brown, U of L.

From the Research Desk of Ken Mattingly . . .

Over the course of the past year I have had the wonderful opportunity of working with multiple personalities in helping to organize the rural family courts research project. While there are too many persons to recognize individually, one is certainly deserving of special tribute because, without her efforts, this project would have been nonexistent. As an appreciation of the trust and confidence she has placed in me, I would like to extend a public note of gratitude to Carla for allowing me the opportunity to work on such an exciting project.

The recently conducted National Conference for Rural Family Courts was organized through grant expenditures. Since that event, editing ideas and suggestions have been incorporated into the handbook’s contents. By adopting these format recommendations, one will have access to an easy to use, practical guide on rural family court administration.

Now, through the efforts of many, the *Comprehensive Handbook for Administrators of Family Courts in Rural Areas* will be submitted to SJI officials in August. Upon approval from that institution, the handbook will be published and distributed nationally. For those who participated in our focus groups and/or responded to the questionnaire, thank you. Your valuable contributions will greatly impact rural family court administration throughout the United States and abroad. Yes, I can already see your ideas at work in South Africa!

Through the State Justice Institute, the Commonwealth of Kentucky’s Department of Family Courts accepted a leadership role in contributing to the organizational administration of rural family courts. Without the support of many, this endeavor would have proven impossible. Again, thank you for your efforts. As this grant funded project concludes, so does my involvement with the Department of Family Courts. My time here has certainly proven rewarding. I hope you find the handbook equally rewarding.

JEFFERSON ADOPTS POLICY ON STATUS OFFENDERS

On May 25, 2001 the Jefferson Family Court Judges adopted the following policy regarding status offenders and the use of secure and non secure placements.

- (1) At arraignment each child must have a public defender or private attorney.
- (2) A detention hearing must be held within 24 hours. A hearing can be held immediately and should be unless there is a reason the detention hearing should be delayed to the following day.
- (3) A judge is authorized to hold a status offender in a non-secure facility. The court must consider the least restrictive alternative. Family Court Judges should consider home supervision or Alternative Placement Services.
- (4) All cases shall be passed for trial at the next available date. There should be no scheduled pre-trial conferences.
- (5) If a child is not detained, the Court may enter a behavior contract/order. The Court will not have a contempt hearing prior to the trial in the case for violation of any of the terms of the behavior contract/court order which may include attending school daily, attending appointments, counseling, etc. The Court will state to the children and counsel and write on the court order or behavior contract that, at the time of formal disposition, the Court will consider the behavior of the child between the time of arraignment and trial.
- (6) All Social Workers for the Cabinet for Families and Children shall provide a written dispositional report to the judges for the purpose of disposition.
- (7) If in the event there is an allegation that the child is in contempt of the court's order subsequent to adjudication, a written order setting out the terms of the violation must be provided to the child. A hearing will then be scheduled after notice of the terms of the violation of contempt have been explained.

UPCOMING EVENTS

Circuit Family Court Judges College September 9 - 13, 2001
Lake Cumberland

Jefferson County KYCOURTS II October 1, 2001

District Judge's College October 7 - 10, 2001
Bowling Green

Foster Care Review Board Conference October 26 - 28, 2001
Florence

Circuit Clerks Conference November 7 - 9, 2001
Louisville

LEGAL SEPARATION

*Kyle Deskins
Pike Family Court Law Clerk*

In 1972 Kentucky adopted KRS 403.140 and KRS 403.180 which established legal separations. Until that time parties had entered into informal contractual agreements which resolved issues such as division of property, custody, and visitation. Since it has been adopted by statute, courts can now enter decrees which allow the parties to get on with their lives but without ending their marriage.

Some people ask why? There are a wide variety of reasons that people separate but do not finalize their divorce. These reasons may include religious beliefs, financial advantages, or maybe they need to be apart to decide if divorce is what they really want. This is the legal means to define the party's rights, obligations, and responsibilities.

The process for obtaining a legal separation is identical to the process for a dissolution of marriage down to the court making its findings of fact. The court's decree of legal separation has two major effects, one of which is that all property acquired after a decree of legal separation is considered non-marital property pursuant to KRS 403.190(2)(c). Secondly that under KRS 403.190(2)(e) the change in value of marital assets that do not result from the joint efforts of the parties is considered non marital. Stallings v. Stallings, 606 S.W. 2d 163, 1980 Ky. Lexis 255 (Ky. 1980) It should be noted that the Stallings case specifically points to the contribution of each spouse even if one spouse is a homemaker and how that contribution may not cease simply because one spouse is no longer present in the home. By implication this would include retirement benefits or pensions accumulated subsequent to the decree of legal separation.

Parties are free to enter into separation agreements whereby the parties themselves can define their rights, duties and obligations. The court granting the decree is bound by the terms of the agreement, with the exception of child custody, visitation and child support KRS 403.180(2). As these agreements are somewhat detailed and lengthy they are often incorporated by reference without the terms set forth in the decree. If that is the case then pursuant to KRS 403.180(4)(b) the court must, in its decree, identify the separation agreement and state that the court has found that the terms of the agreement are not unconscionable. The finding that the terms are not

unconscionable are pursuant to KRS 403.180(2) where the court considers all relevant economic factors and any additional evidence provided by the parties.

Perhaps one of the most important differences between the legal separation and the dissolution of marriage is the retention of rights not expressly waived in the separation agreement. The rights of a spouse in inheritance, dower, and other actions such as wrongful death are not terminated by the decree of legal separation. This "right" is not expressed in the statute but is implied in that the court's decree does not dissolve the bonds of marriage. Furthermore, if the parties do not expressly terminate or "waive" their rights in the separation agreement then there is no basis for their termination in a decree of legal separation from the court.

THE FAMILY VIOLENCE VICTIM AND FAMILY COURT

Hon. Reed Rhorer

Nancy Hulett/Court Administrator

Jennifer Miklavcic/Support Worker

Franklin County Family Court believes that its efforts at partnership with the Franklin County community is crucial to stopping the cycle of violence in the lives of victims and their children. By organizing and fostering a collaborative effort between many community service agencies, we have succeeded in minimizing the devastating effects on families of domestic violence. Family Court has provided the site and the direction for the collaboration.

Communities cannot hide from the impact of family violence. It will and does permeate our schools, our homes, and our churches because this is the world of our families. Franklin County has found that communication between the client, the court and the community is an essential component to meeting the needs of our families.

Franklin County Family Court and certain community agencies have found that meeting on a weekly basis to discuss family violence issues enables us to better assist our mutual clients.

This partnering of agencies to examine and discuss issues surrounding domestic violence provides us with a better insight into how we can best implement successful programs that will have an impact on resolving the generational circle of violence found in most of the cases heard in our court. At weekly meetings, specific domestic violence cases are considered by the group in an effort to treat families and children touched by violence.

The agencies involved are Comprehensive Care - Domestic Violence Counseling & Child Victims Advocate, Cabinet for Families & Children - Child Protection, CASA, Riverview Counseling, KY Alternatives, YWCA Spouse Abuse Center and Victim's Advocates & Sunshine Center.

In Franklin County, petitions for Emergency Protective Orders are completed by people in a secure and secluded area of the Family Court building. They are personally assisted by a member of the Family Court staff. The allegations are immediately presented to the Family Court Judge who decides whether to issue an EPO. The staff person is trained to make the necessary initial referrals to abuse shelters, emergency housing, victim's advocates or others. This procedure is far better than before, when petitions were completed in the bustle and confusion of the circuit clerk's office. In addition, a trained Family Court staff person is now available to give counseling and make referrals in a calm and safe atmosphere.

Subsequently, the Victim/Survivor support group that meets at Family Court is a means of obtaining information about needs of the families and individuals involved. This group, along with a children's group, meets every Monday at 6:00 PM. It is facilitated by a DV Counselor from Comprehensive care. Family Court strives to make these meetings an educational time together in a nonthreatening environment that stimulates the sharing of ideas and goals. This collaboration enhances the initial assistance given to the victim at the beginning of the protective process.

Currently we are trying to match the needs of victim's to those available community resources while creating and implementing new programs where they are needed.

GUIDELINES FOR ATTORNEYS REPRESENTING CHILDREN IN DEPENDENCY CASES PART I of II

This is the first in a two part series which will discuss *guidelines for attorneys representing children in dependency cases*.

I. Training

A. REQUEST PRIOR TO REPRESENTATION

Prior to being appointed to represent any party in a dependency matter, all attorneys should:

1. Be familiar with dependency law and related areas;
2. Visit a shelter/emergency foster home/juvenile detention center; and,
3. “Actively participate” in at least 3 dependency actions from the temporary removal hearing or pretrial through disposition. (One means of doing this is to spend a period of apprenticeship with experienced attorneys, which would involve all aspects of representing clients in dependency matters).

B. CONTINUING EDUCATION REQUIREMENTS

1. All attorneys should have at least 8 hours of mandatory continuing training each year.
2. Suggested subject areas of instruction include the following:
 - a. Child development;
 - b. Family dynamics, with an emphasis on cultural aspects of families;
 - c. Special resources for children/families;
 - * Special education programs
 - * Regional centers
 - * Adoption assistance subsidies
 - * Victim witness assistance
 - * Mental health services
 - * Social Security/SSI/AFDC, etc.
 - * Private insurance
 - * Other litigants (PI, family law, UCCJA, Parental Kidnapping Protection Act, Interstate Compact for the Placement of Children, Interstate Compact on Juveniles, Indian Child Welfare Act).
 - d. Substance abuse;
 - e. Reasonable efforts;
 - f. Risk assessment/case plans;
 - g. Adoptability issues;
 - h. Guardianship, including funding issues;
 - i. Placement preferences;
 - j. Relative placements; and,
 - k. Writ/appeal procedures.

II. INVESTIGATION

Note: All attorneys should investigate as necessary to ascertain the facts, including the interviewing of witnesses, and maintain written records available for inspection by judges at any time. Attorneys should not rely solely on the report of the social worker.

A. Interviews

1. Child/Client - The attorney should determine the following from the client or social worker if appropriate:

-
-
- a. Extent of contact agency has had with child prior to removal;
 - b. What services would have been helpful in avoiding removal;
 - c. If the child is old enough, his or her goals and concerns about placement and whether there are relatives or close family friends who would be willing to take the child;
 - d. Regarding the child, the attorney should:
 - i. Meet with child away from court setting and try to provide continuity and develop a trusting relationship. Explain, in age appropriate language, the nature of the attorney/client relationship;
 - ii. Visit child in his/her home and observe child and child's interactions with others in the home. Assess the severity of the injuries and the child's general health and condition.
 - iii. Ask about and investigate resources that the child can think of, including relatives or friends;
 - iv. Regardless of the child's age, attempt to interview or at least observe the child. Observations are helpful in determining the accuracy of the petition and court report, or the statements of witnesses or parties; and,
 - v. Investigate the interests of the child beyond the scope of the juvenile proceeding and report to the court other interests of the child that may be protected by other administrative or judicial proceedings.

2. Agency Social Worker

The attorney should determine:

- a. Family's prior contacts with DSS;
- b. Who made decision to remove child: child welfare worker or police;
- c. Basis for removal, specific harms which removal was designed to prevent;
- d. Alternatives to removal such as in-home services or removal of the perpetrator, and whether these services were considered prior to removal; and,
- e. Contacts agency has made with parent and child since child was removed.

3. Witnesses

Where appropriate, the attorney should interview:

- a. Representatives of other agencies with whom the family has been involved, either through DSS referral or on the family's own initiative; and,
- b. Persons who have had significant contact with the child and may have relevant information about the child.

DISCOVERY/DOCUMENT PRODUCTION

1. The attorney should obtain and review the agency's records. Where necessary, attorneys for children should determine and utilize available discovery procedures. The attorney should look for:
 - a. Case plan - was parent involved in its development? Are the goals in the plan related to the reasons for which the child was removed?
 - b. Services provided or requested by the family prior to the child's removal;
 - c. Arrangements for visitation; and,
 - d. Projected date of the child's return.
2. The attorney should obtain and review all court pleadings and support documents.
3. The attorney should obtain and review all necessary and relevant records, including medical, psychological, school, etc.

C. CONSULTATION WITH EXPERTS

Attorneys should be familiar with local experts who can provide attorneys with consultations and testimony on the reasonableness and appropriateness of efforts made to maintain the child in the home.

Look for Part II in our next issue that will include Hearings and Special Considerations for attorneys appearing in dependency actions.

A Message from Cheryl D. King, Commissioner

Department for Adult Education and Literacy

The educational system and the criminal justice system need to work together to ensure that those citizens with educational needs who come before our local judges are identified and provided needed services. Research indicates a correlation between educational attainment and crime. Lack of education often contributes to lawlessness. Without the proper tools to become a contributing member of society, many offenders will be in Family Court again. KRS 533.200 (enacted in 1988) provides for alternative sentencing by allowing a judge to sentence a person to attend and successfully complete a program designed to improve his/her reading, living, and employment skills.

During meetings of the Task Force on Adult Education we heard testimony on how this statute could be utilized to equip offenders with the necessary skills to become better workers, parents, and citizens and to reduce the recidivism rate. The Kentucky 2000 General Assembly passed Senate Bill 1 which included a provision requiring the Department for Adult Education and Literacy to create an awareness program for circuit and district judges of the provisions of KRS 533.200.

The Department for Adult Education and Literacy funds a network of local instructional programs throughout the Commonwealth designed to assist adults in acquiring knowledge and developing the potential to achieve their goals in the workplace, at home, and in *society*. We would like to work with everyone involved in any phase of the criminal justice system to make sure those with educational needs have access to our programs so that they may become *contributing* rather than *offending* members of our society. We are currently working with judges, prosecutors, public defenders, court workers, and our own local adult education providers to ensure that all are aware of how we can work together to impact the lives of those needing our services.

Appropriate candidates must be sixteen years of age or older who are officially withdrawn from school to be eligible for our programs. They may lack the skills to get a job, lack a high school diploma or GED, lack life skills, or lack parenting skills. They may need multiple services from different providers.

Many persons who come before Family Court could benefit from our services.

Our services include:

Basic adult education (serving those assessed to be functioning at grade levels 0-8) The program provides basic education skills to adults in their roles as learners, workers, family members and citizens to enable them to develop coping skills for living and wage earning, and to better their self-concepts.

General Education Development —GED (for those assessed to be functioning at grade levels 9-12) GED classes provide educational opportunities to adult learners who wish to continue beyond adult education classes to enable them to achieve a high school equivalency diploma, and to enable them to increase their wage earning potential.

Family Literacy is an intensive on-going program that provides educational opportunities for family members to learn together. Family literacy affects real and measurable change in the lives of adults and children through combinations of adult education, children's education, parent groups, and structured parent/child interactions.

Because you are a part of the justice system, we want to make everyone involved in Family Court aware of the statute, its possible use in your cases, and the services that we provide. If you are interested in the contact person for your local adult education program, you can find a list of providers on our web site @ **www.adulted.state.ky.us**. The contact person can give you more details about programs, who may be likely candidates for our services, location, hours of operation, and answer any other questions. Not everyone that you work with will need our services, but many could benefit from an increased educational level, better employability skills, and more effective parenting skills.

Thank you for the opportunity to share this information with you. If you have further questions, you may contact the Department of Adult Education and Literacy at 502-564-5114 and ask for Dr. B. J. Helton.

JEFFERSON COUNTY FAMILY COURT STATUS QUO ORDER

At the request of the Domestic Relations attorneys, the Family Court Judges adopted the following standing order regarding the dissipation of assets for new divorce filing. This order, which became effective March 19, is as follows:

“The court is under a duty to restore the parties’ non-martial property and equitably divide the parties assets (KRS 403.190). The court is also under a duty to promote the amicable settlement of disputes that have arisen between the parties and to mitigate the potential harm to the spouses and their children caused by the process of legal dissolution of marriage (KRS 403.110) (KRS 403.100). To ensure the orderly accomplishment of these goals, it is important that during the course of this action the parties do not dispose of any assets or incur unnecessary further liability pending further orders of the court or agreement of the parties.

Therefore, the court orders that, except as may be necessary to pay reasonable living expenses, neither party shall sell, encumber, gift bequeath, or in any manner transfer, convey, or dissipate any property, cash, stocks, or other assets currently in their possession or control to another person, company, legal entity or family member without first obtaining an order from this court giving them permission to do so or filing with the court an agreed order signed by both parties or their attorneys. Further, neither party shall incur additional debt in his/her own name or the name of his/ her spouse without first receiving the permission of the court to do so or filing with the court an agreed order signed by both parties or their attorneys except that either spouse may incur reasonable debt associated with the day-to- day cost of living. The law does not define what is “reasonable” in this context and the court will not prejudge these matters; however, when incurring debt for day-to-day living necessities, the parties should keep in mind that they are in a dissolution proceeding and, therefore, what was a reasonable expense or debt during the marriage may not be reasonable under these circumstances. The parties are encouraged to consult with their attorneys before incurring any debt which they think may violate the tenor or spirit of this Order.

Finally, neither party shall cancel any health, life, automobile, casualty or disability insurance currently covering themselves or a family member or change the named beneficiaries on such policies prior to receiving permission of the court to do so or filing an agreed order signed by both parties or their attorneys.

Intentional violation of this Status Quo Order may be considered contempt of court subject to such sanctions as the court deems equitable.

**ADMINISTRATIVE OFFICE OF THE COURTS
DEPARTMENT OF FAMILY COURTS
100 MILLCREEK PARK
FRANKFORT KY 40601-9230**